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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, DC 20554

MAY 28 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

)  
 Replacement of Part 90 by Part 88 to )  
 Revise the Private Land Mobile Radio )  
 Services and Modify the Policies )  
 Governing Them )

PR Docket No. 92-235

**COMMENTS OF THE NATIONAL ASSOCIATION OF BROADCASTERS**

By its Notice of Proposed Rule Making<sup>1</sup> in the above-captioned proceeding, the Commission seeks public comment on whether and how certain private land mobile radio services should employ their allocated and assigned frequencies more efficiently. The FCC bases its proposals in part on the record developed in PR Docket No. 91-170,<sup>2</sup> and also on the information developed in past Commission proceedings with the same goal: spectrum conservation by the land mobile industry.

For over two decades, the National Association of Broadcasters ("NAB")<sup>3</sup> has been urging the FCC, at every

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<sup>1</sup>Notice of Proposed Rule Making ("Notice") in PR Docket No. 92-235, 7 FCC Rcd 8105 (1992).

<sup>2</sup>See Notice of Inquiry in PR Docket No. 91-170, 6 FCC Rcd 4125 (1991).

<sup>3</sup>NAB is a nonprofit, incorporated association of radio and television stations and networks which serves and represents the American broadcast industry.

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regulatory juncture,<sup>4</sup> to require land mobile licensees to adopt spectrum efficiency modes of operation that will limit that industry's seemingly insatiable thirst for more and more spectrum, including that now employed -- or planned to be employed -- by broadcasters for main channel and/or auxiliary services. Now in the instant rule making, NAB again urges the Commission to ensure that current and future land mobile operations implement present-day technologies that will allow greater spectrum efficiency, by way of the techniques advanced in the Notice.<sup>5</sup>

Also, NAB concurs with the view of the Land Mobile Communications Council<sup>6</sup> that the Commission should not focus its proceeding on one new technology to yield greater land mobile spectrum efficiency. Rather, the FCC should adopt a revised,

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<sup>4</sup>See, e.g., Comments of NAB in Docket No. 18261, filed February 3, 1969; Comments of NAB in PR Docket No. 82-10, filed June 9, 1982; Comments of NAB in Gen. Docket No. 82-335, filed October 22, 1982; Comments of NAB in PR Docket No. 84-232, filed August 15, 1984; Comments of NAB in PR Docket No. 84-279, filed August 10, 1984; Comments of NAB in Gen. Docket No. 84-1233, filed April 22, 1985; Comments of NAB in Gen. Docket Nos. 85-172 and 85-173, filed July 11, 1986; and Comments of NAB in Gen. Docket No. 90-314, filed October 2, 1990.

<sup>5</sup>In the Notice the FCC's major proposals are to: (1) reduce the channel spacing among land mobile channels; (2) employ a new "exclusive use overlav" svstem in addition to the more

multifaceted regulatory scheme that will work toward greater land mobile spectrum efficiency through a variety of means.

In most respects, particularly in those recent FCC decisions regarding the reservation of UHF spectrum for the purposes of existing terrestrial television stations' move to advanced television<sup>7</sup> and broadcasters need for current and greater broadcast auxiliary spectrum,<sup>8</sup> the Commission has respected broadcasters' need for both present and additional broadcast spectrum. These decisions acknowledge the public's dependence upon the universally-available, free service provided by terrestrial radio and television stations.

Indeed, radio and television broadcasters, providing these services to the entirety of the American public -- regardless of the economic status or geographic location of the listener or viewer -- also are working to employ their spectrum in more efficient ways. Moreover, the future of broadcaster

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<sup>7</sup>See, e.g. First Report and Order in MM Docket No. 87-268, 5 FCC Rcd 5627 (1990), deciding that HDTV spectrum will be obtained from spectrum currently allocated to broadcast television and that service to NTSC receivers must be continued at least during a transition period; see also Second Further Notice of Proposed Rule Making in MM Docket No. 87-268, 7 FCC Rcd 5376 (1992), proposing an allotment method for HDTV channels.

<sup>8</sup>See, e.g., Notice of Proposed Rule Making in ET Docket No. 92-9, 7 FCC Rcd 1542 (1992); Notice of Proposed Rule Making and Tentative Decision in Gen. Docket No. 90-314 and ET Docket No. 92-100, 7 FCC Rcd 5676 (1992); and Tentative Decision and Memorandum Opinion and Order in Gen. Docket No. 90-314 (1992). In these decisions the FCC, inter alia, specifically opted against proposing reallocation, for the personal communications service or for other "emerging technologies," the spectrum currently employed for television broadcast auxiliary electronic newsgathering and related operations.

technological advance promises to provide far increased service to the public within existing broadcast bands.

Figure 1 - A. The broadcast industry efforts to be more

which to transmit HDTV signals, taking those channels from within the existing television broadcast allocation.

Efficient usage of the national spectrum resource is a mandate for all users of the air waves. The broadcasting industry is doing its part; adoption of the proposed rules in this proceeding will guide the land mobile industry toward this necessary goal as well.

### **CONCLUSION**

For the reasons stated herein, NAB urges the Commission to adopt rules and policies that will mandate more spectrum efficient technologies and operations employed by land mobile radio services.

~~Respectfully submitted,~~